

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. Claims 1-3, 6-9, 12-15, and 17-20 have been amended. Claims 1, 6, and 9 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

Initially, Applicants wish to thank Examiner Allan Hoosain for taking time to consider proposed claim amendments and conduct telephone discussions with Applicants' Representative, Jason Rhodes, during the period of May 18-20, 2004. Although no agreement was reached, Applicants have a newfound understanding of the examiner's position.

Rejection Under 35 U.S.C. § 102

Claims 1-5, 7-13, and 17-20 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 5,995,490 to Shaffer et al. (hereinafter "Shaffer '490"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As amended, independent claims 1 and 9 now recite producing line state information that indicates a detected line state for each of a plurality of communication lines, and independently selecting an operation mode for each of the communication lines

based on the line state information. Applicants respectfully submit that Shaffer '490 fails to disclose these features.

In Section 2 (page 2) the Office Action, the Examiner relies upon Fig. 1 and column 6: lines 1-10 of Shaffer '490 to teach detecting a line state and producing line state information. This portion of Shaffer '490 discloses a QoS monitor (40, 42) that collects statistical information regarding video cells received at a multimedia system (10, 16).

The Examiner further relies upon column 4:lines 24-37 of Shaffer '490 to teach selecting an operation mode based on the line state information. This portion discloses a regulating device (36, 38) that uses the QoS monitors to determine whether data regulation is needed.

Without conceding that the Examiner's interpretation of Shaffer '490 is correct, Applicants point out that this reading of Shaffer '490 fails to teach detecting a line state and choosing an operation mode independently for each of a plurality of communication lines.

As disclosed in Fig. 1 and column 5:lines 29-34, Shaffer '490 discloses that the QoS monitors 40, 42 collect statistical information data on received video cells that have already been demultiplexed from the communication lines by the PBX (12) and interface device (30), respectively. Thus, even assuming for

the sake of argument that Shaffer '490 disclosed that multiple communication lines are used to transmit the data, there is no teaching that the QoS monitors in Shaffer '490 distinguishes between different communication lines. Thus, there is no disclosure of determining a line state for each of a plurality of communication lines in Shaffer '490.

Furthermore, Shaffer '490 only discloses that data regulation is performed in response to the QoS monitoring, by either suspending data transfers or reducing the data transfer rate (see column 6: lines 56-65). There is no disclosure in Shaffer '490 that the data regulation is performed in connection with a particular communication line.

Accordingly, Applicants respectfully submit that Shaffer '490 fails to disclose producing information indicating a detected line state for each of a plurality of communication lines, and selecting an operation mode for each communication line based on the produced information, as required by independent claims 1 and 9.

Applicants respectfully submit that claims 1 and 9 are allowable at least for the reasons set forth above. Accordingly, Applicants submit that claims 2-5, 7, 8, 11-13, and 17-20 are allowable at least by virtue of their dependency on independent

claims 1 and 9. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. § 103

Claims 6 and 14-16 stand rejected under 35 USC 103 as being unpatentable over Shaffer '490 in view of U.S. Patent No. 5,898,668 to Shaffer (hereinafter "Shaffer '668"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Similar to the claims 1 and 9, independent claim 6 has been amended to recite producing line state information indicating a detected line state for each of a plurality of communication lines, and independently selecting an operation mode for each communication line based on the line state information. Thus, for reasons similar to those set forth above in connection with claims 1 and 9, Applicants respectfully submit that Shaffer '490 fails to teach or suggest these features.

Furthermore, Applicants respectfully submit that Shaffer '668 fails to remedy the abovementioned deficiencies of Shaffer '490. Shaffer '668 discloses choosing between alternative modes of data transmission. The Examiner apparently interprets the alternative modes as corresponding to different communication lines (see Office Action at Section 5, page 13). Assuming

arguendo that the Examiner's interpretation is correct, Applicants submit that this would only suggest selecting an operation mode to choose between different communication lines. This reading of Shaffer '668 would not teach or suggest selecting an operation mode independently for each of a plurality of communication lines, as required by independent claim 6. Accordingly, Applicants respectfully submit that the combination of Shaffer '490 and Shaffer '668 fails to teach or suggest all of the claimed features of independent claim 6.

It is respectfully submitted that claim 6 is allowable at least for the reasons set forth above. Applicants further submit that claims 14-16 are allowable for similar reasons. The Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

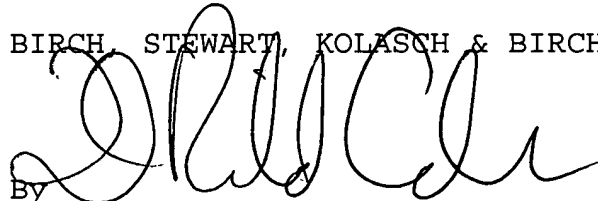
Since the remaining patent cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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